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BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD  
SEVENTH FLOOR  
LOS ANGELES, CA 90025-1030

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OFFICE OF PETITIONS

In re Application of  
Carl M. Ellison et al.  
Application No. 09/672,602  
Filed: February 26, 2001  
Attorney Docket No. 042390.P8629X

: DECISION ACCORDING STATUS  
: UNDER 37 CFR 1.47(a)

This is in response to the petition filed May 22, 2006 under 37 CFR 1.47(a).

The petition under 37 CFR 1.47(a) is **GRANTED**.

The above-identified application was filed on February 26, 2001, without an executed oath or declaration. Accordingly, on April 14, 2006, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, the instant petition under 37 CFR 1.47(a), and an oath or declaration signed by all inventors except Ken Reneris and Millind Mittal was filed. The petition argues that joint inventors Reneris and Mittal have been provided with copies of the application, declaration and assignment but that to date neither has returned an executed copy in response to counsel's communications with them.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The petition bears proof that the application papers were forwarded to Mr. Reneris and Mr. Mittal and that to date, they have not returned executed copies of the oath or declaration.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to Technology Center 2131 for processing of the Request for Continued Examination filed May 22, 2006.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions